THE HON'BLE Mr. JUSTICE N.V. RAMANA

Writ Petition No.1386 of 2000

-

Dated: December 23, 2005

-

-

Between:

S.D. Dass, E.56381, Security Head Guard,

S/o. Mahadeva Rao, aged about 43 years,

R/o. Kovvur, W.G. District.

… Petitioner

And

The APSRTC, rep. by its Managing Director,

Musheerabad, Hyderabad, and another.

… Respondent

Order:

This writ petition has been filed seeking Mandamus declaring the action of Respondent No.1 in issuing Proc.No.SPD1/443(1)/97-PO.II dated 11-09-1997 and

09-02-1998, in imposing the punishment of postponement of the annual increment of the petitioner for a period of 2 years with cumulative effect and treating the suspension period as not on duty and recovery of Rs.47.50 ps. towards printing charge of the ticket blocks, is without jurisdiction, illegal, and unjust, and for a consequential direction to the respondents to pay the arrears of increments from 11-09-1997 and to treat the period of suspension as on duty and to consider the petitioner's case for promotion to the post of SASI.

2. The petitioner is a delinquent employee of APSRTC. In this writ petition, he has called in question the validity of the proceedings of Respondent No.1, the Managing Director, dated 11-09-1997 and
09-02-1998 imposing the punishment of postponement of annual increment for a period of 2 years with cumulative effect and treating the suspension period as not on duty and recovery of Rs.47.50 Ps. towards printing charge of the ticket blocks as a disciplinary measure. The contention of the petitioner, among other contentions, is that since the Managing Director passed the impugned order, he would be denied the right of appeal, which is otherwise available to all the delinquents under the Andhra Pradesh State Road Transport Corporation Employees (Classification, Control and Appeal) Regulations, 1967 (for short 'the CCA Regulations'). The contention of the petitioner is well-founded. Under the CCA Regulations, the Depot Manager, APSRTC, Respondent No.2 herein, is the disciplinary authority. If Respondent No.2 were to pass the final order in the disciplinary proceeding, the petitioner would have a right of appeal to the Managing Director. Since the Managing Director himself has acted as a disciplinary authority and hence has passed the impugned order, the right of appeal vested in the petitioner under the CCA Regulations is denied. On that short ground, the writ petition is allowed and the impugned order is quashed. However, this order shall not come in the way of Respondent No.2 passing the appropriate order as a disciplinary authority in terms of the CCA Regulations. No costs.

_____

N.V. RAMANA, J.

December 23, 2005

MRR